

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1421

Introduced by Assembly Member Swanson

February 27, 2009

An act to amend Section 510 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1421, as amended, Swanson. Employment: work hours.

Under existing law, 8 hours of labor constitutes a workday. Existing law provides that time spent commuting to and from the first place at which an employee's presence is required by the employer is not part of a workday when the employee commutes in a vehicle that is owned, leased, or subsidized by the employer and is used for ridesharing.

This bill would provide that time spent in transit on a facility-provided conveyance from a remote employee parking location to and from the place at which an employee's presence is required by the employer shall be considered to be part of a workday ~~when if the time spent in transit one-way exceeds 12 minutes, the employee is wearing a uniform or insignia while in transit required by the employer, and the employee is employed at an airport, amusement park, sports venue, or entertainment venue, or by a private service contractor at an airport,~~ as these places of employment are defined by the North American Industry Classification System or its predecessor.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 510 of the Labor Code is amended to
2 read:

3 510. (a) Eight hours of labor constitutes a day's work. Work
4 in excess of eight hours in one workday and work in excess of 40
5 hours in one workweek and the first eight hours worked on the
6 seventh day of work in one workweek shall be compensated at the
7 rate of no less than one and one-half times the regular rate of pay
8 for an employee. Work in excess of 12 hours in one day shall be
9 compensated at the rate of no less than twice the regular rate of
10 pay for an employee. In addition, work in excess of eight hours
11 on a seventh day of a workweek shall be compensated at the rate
12 of no less than twice the regular rate of pay of an employee.
13 Nothing in this section requires an employer to combine more than
14 one rate of overtime compensation in order to calculate the amount
15 to be paid to an employee for an hour of overtime work. The
16 requirements of this section do not apply to the payment of
17 overtime compensation to an employee working pursuant to any
18 of the following:

19 (1) An alternative workweek schedule adopted pursuant to
20 Section 511.

21 (2) An alternative workweek schedule adopted pursuant to a
22 collective bargaining agreement pursuant to Section 514.

23 (3) An alternative workweek schedule to which this chapter is
24 inapplicable pursuant to Section 554.

25 (b) Time spent commuting to and from the first place at which
26 an employee's presence is required by the employer shall not be
27 considered to be a part of a day's work when the employee
28 commutes in a vehicle that is owned, leased, or subsidized by the
29 employer and is used for the purpose of ridesharing, as defined in
30 Section 522 of the Vehicle Code.

1 (c) Time spent in transit on a facility-provided conveyance from
2 a remote employee parking location to and from the place at which
3 an employee's presence is required by the employer shall be
4 considered to be part of a day's work ~~when the~~ *if the following*
5 *conditions apply:*

6 (1) *The time spent in transit one-way exceeds 12 minutes.*

7 (2) *The employee wears a uniform or insignia while in transit*
8 *required by the employer.*

9 (3) *The employee is employed at an airport, amusement park,*
10 *sports venue, or entertainment venue, or by a private contract*
11 *service provider at an airport, as these places of employment are*
12 *defined by the North American Industry Classification System or*
13 *its predecessor.*

14 (d) This section does not affect, change, or limit an employer's
15 liability under the workers' compensation law.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.